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France

Food and Agricultural Import Regulations and Standards

Country Report

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Report Highlights:

The following sections have been updated:

- Regulations and Requirements (Section VI-1)**
 - Import Documentation (Section VI-4)**
 - Other Specific Standards (GMOs, Organic Foods) (Section VII)**
 - Websites have been updated and new addresses added**
-

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SECTION I. FOOD LAWS

1. Exporters should be aware that there may be some variation among Member States in applying EU harmonized legislation. This may be due to variations in the transitional period needed to adjust to EU rules. There may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation. Legislation not regulated in detail at EU level may be handled differently in different Member States. Also, there is a wide variation in inspection fees, in registration fees and in the time required to evaluate products used in the food production process.
2. Although France is not a closed market, certain regulations exist both in France and in the EU which limit market access for specific U.S. agricultural exports. The ongoing harmonization of EU import regulations, as well as the implementation of the Uruguay Round commitments under the World Trade Organization (WTO), may result in the revocation of WTO-inconsistent French regulations, as well as in the conversion of quotas, variable levies and restrictive licensing to tariffs which are to be reduced over time. Products which are subject to restrictive regulations include: poultry meat, enriched flour, genetic material, “exotic meats” such as alligator and buffalo, crayfish, pet foods and certain fruits and vegetables, which are subject to EU quality norms and must be inspected at the point of entry. More details concerning regulations for these products are given in Section VI. “Other Regulations and Requirements” of this report.
3. French labeling and product ingredient regulations are among the most rigorous in the European Union (EU). The General Direction for Competition, Consumption and Frauds (DGCCRF) is the French agency responsible for enforcing such laws and can be reached at the following address:

Direction Générale de la Concurrence
de la Consommation et de la Répression des Fraudes
(DGCCRF)
Ministère de l'Economie, des Finances et de l'Industrie
59, boulevard Vincent Auriol
75703 Paris Cedex 13
Tel: (33-1) 44 87 1717
Fax: ((33-1) 44 97 3031
Internet: <http://www.finance.gouv.fr>

DGCCRF views their role as 1) A protector of the consumer's health by overseeing “safe” ingredients and 2) a protector of food quality standards by ensuring clear, descriptive labeling.

Note: It is prohibited to imply that a food has certain properties when all similar products would possess these same properties.

French regulations severely limit hyperbole in food labeling. For example superlatives such as “Great” cannot be used on labels to describe a food product. The use of the word “natural” may be permitted depending upon its location on the label and the product. Addition of vitamins in foods, beverages and flour products, and the use of traditional French cuisine terms, such as “beef bourguignon” are also not allowed. In summary, product nomenclatures are allowed to describe a product, but not to promote it.

Labels should be worded in such a way so as not to confuse the consumer. For example, “Peanut Butter” should be denominated as “Pate d’arachide” and not “beurre d’arachide” since it does not actually contain any butter as defined by French regulations.

Generic labels such as beer, yogurt, and candy can only be used if the product is certified as having been produced in accordance with specific processing procedures. Products that do not conform to these procedures may still be imported, but may not carry generic labeling terms and may be subject to special taxes.

The result of the DGCCRF’s enforcement of these requirements and others is that many U.S. products are disadvantaged by virtue of their American-style labeling (usually a marketing tool as well as nomenclature) and/or manufacturing practices. U.S. exporters may need to consider the possibility of modifying their food product/label for the French/EU market, but the built-in bias against U.S. manufacturing techniques and the prohibition of certain safe ingredients may persist as a non-tariff trade barrier to U.S. high-value foods in France.

While French is the official language in France, many business people speak English.. However, product literature, correspondence and negotiations in the French language provide a distinct advantage over competitors who use only English. It should be noted that other EU suppliers are accustomed to dealing in the French language.

SECTION II. LABELING REQUIREMENTS

A. General Requirements

All labels must be in French regardless of the origin of the product. However, multilingual labels are acceptable. France has very restrictive additive regulations. The appearance of a food additive on the EU list of approved additives does not automatically mean the additive is approved for use in France or that it is approved for use in all types of food products.

The use of French language is mandatory in documents used in business transactions as well as on labels, packages, and merchandise itself. The use of foreign names is forbidden in place of existing equivalent French terms. However, the following are authorized: chorizo, couscous, gin, merguez, paella, salami, vodka, aquavit, Gorgonzola and whiskey.

... The product name, net quantity (in metric units), date of minimum shelf life (DLC) for

perishable products or the date of optimal usage (DLUO) for non-perishable products, and the name and address or EU identification number of the importer must be in the same area of the label.

- ... For non-perishable products, the DLUO must appear on the label using the words, “A consommateur de préférence avant fin (day, month, year).” (“Best consumed before”). For perishable products, the DLC must appear on the label using the words, “A consommateur avant (day, month, year).” (“To be consumed before ...”). However, for extremely perishable products, the DLC must appear on the label as “A consommateur jusqu’au (day, month, year)”, (“To be consumed until ...”) or “A consommateur jusqu’à la date figurant (day, month, year),” (“To be consumed no later than...”).
- ... Some products are exempt from indicating the DLC or DLUO. They include: fresh fruits and vegetables, wines and spirits, alcoholic beverages with an alcoholic content equal of greater than 10.5 percent by volume, vinegars, sugar, confectionery items, and live shellfish intended for raw consumption.
- ... Name and address of manufacturer, packer or vendor within the EU must be given.
- ... Ingredients, including herbs and spices, must be listed in descending order of their quantity in the product at the time of manufacturing or processing. The list of ingredients should be preceded by the word “Ingredients.” When ingredients are included in the name of the product, their weight as a percentage of total net product must be included in the ingredient list (see QUID section below).
- ... All additives and preservatives must be indicated on the label of all food products either by their specific group name or by their “E” Number. Certain substances such as herbs, spices and aromatics should be listed in the ingredients list; if their names are used in the name of the product the percentage must be stated. Flavorings are considered additives and should be noted as “arôme de” followed by the name of the flavor.
- ... The country of origin must be indicated in letters not less than 4 mm in height on all product cases (packing labels, etc.). The abbreviation “USA” is acceptable in France.
- ... The alcoholic content must be indicated on the label of all beverages with an alcoholic content greater than 1.2 percent by volume.
- ... For prepackaged food products, the manufacturer’s lot number must be listed on the packaging or on the commercial documents accompanying the product, and should be preceded by the letter “L”.

- ... Maximum storage temperature should be specified for frozen foods. If appropriate, the word “SURGELE” (quick frozen) should be in a highly visible place in capital letters on the label.
- ... For canned foods packed in a liquid, in addition to the net product weight, the drained weight in metric units must also be indicated on the label. The net weight of the product must be given along with the drained weight if the liquid in the package is used in the preparation of the product. These weights should appear in grams.
- ... Give the net weight, product weight or the drained weight in metric units. Few French buyers are familiar with U.S. weights and measures, thus metric weights and measures should always be used in commercial transactions.
- ... The word, “butter” or “cream” may not be used on the label of certain foodstuffs, unless the only fat used is butter fat. Concentrated butter may be used instead of butter and the word “butter” may be used on the label provided the fatty acid composition of the concentrated butter has not been altered by any treatment, in particular by hydrogenation. Hydrogenated butter is considered to be a food fat and not butter. If concentrated butter is used in the product, one may not use the words “pure”, “fine”, “extra”, “fresh”, etc., in combination with the word “butter”.
- ... In certain foodstuffs, the word “milk” or “milk products” may only be used if certain minimum quantities of milk solids are present in the product.
- ... Individual portions of beef under 3 kilograms are not acceptable for import into France or other EC countries.
- ... Veterinary stamp or sanitary certification is mandatory on products of animal origin (meat, delicatessen, milk, eggs, fish and seafood ...)
- ... Instructions for use (or advice on how to prepare a food product) is mandatory only when necessary, and should be clearly indicated and visible on the label to allow for appropriate use of the product.

B. Requirements Specific to Quantitative Ingredients (QUID):

Quantitative ingredients declaration (QUID) is mandatory in the following cases:

- ... Where the ingredient or category of ingredients appears in the name under which the foodstuff is sold: i.e., strawberry ice cream - QUID for strawberries
fruit pie - QUID for total fruit content

- ... Where the ingredient or category of ingredients is usually associated with that name by the consumer: i.e., goulash soup - QUID for beef.
- ... Where the ingredient or category of ingredients is emphasized on the labeling in words (i.e., "made with butter"), pictures (i.e., of a cow to emphasize dairy ingredients) or graphics (different size, color and/or style of print)
- ... Where the ingredient or category of ingredients is essential to characterize a foodstuff and to distinguish it from similar products.

The QUID declaration must be indicated in or immediately next to the name under which the product is sold unless a list of ingredients is voluntarily indicated on the label in which case the quantity may appear in the list. The quantity of the ingredient, expressed as a percentage, must correspond to the quantity of the ingredient (s) actually used in the preparation of the product.

The QUID requirement DOES NOT apply to constituents naturally present in foods and which have not been added as ingredients, i.e., caffeine (in coffee) and vitamins and minerals (in fruit juices). QUID declarations are not needed in a number of cases, i.e., when products state the drained net weight or where an ingredient is used for purposes of flavoring. QUID declarations CANNOT replace nutrition labeling.

Commission Directive 1999/10/EC provides for derogations from the QUID requirement:

- Where the wording "with sweeteners" or "with sugar(s) and sweetener(s) accompanies the name under which a foodstuff is sold
- Where the addition of vitamins and minerals is subject to nutrition labeling
- Where foodstuffs are concentrated or dehydrated.

C. Requirements Specific to Nutritional Labeling

French decree 93-1130 dated September 27, 1993 as amended, implements an EU directive 90/496 on nutritional labeling. This decree applies to all packaged food products, including food products for hotels, restaurants and institutions (HRI), but does not apply to mineral water and food supplements. However, nutritional labeling is not mandatory in France and in the EU, except when a nutritional fact is indicated on the label, in the advertising or in the presentation of a food product. In these cases, two possibilities for nutritional labeling are suggested:

- Group I: Caloric value (in kJ and Kcal), proteins, glucides, lipids (in g)
- Group II: Caloric value (in kj and kcal), proteins (in g), glucides (in g) from which sugars (in g), lipids (in g), of which saturated fatty acids (in g), fiber (in g), sodium (in g).

In addition to the information of Groups I and II above, nutritional labeling may also indicate quantities of one or several of the following nutrients: (Starch, polyols, saturated fatty acids, cholesterol, minerals and vitamins present in the product, if they represent at least 15% of the daily recommended supplies. All nutrient quantities should be expressed in milligrams (mg) or grams (g).

Certain quantitative nutritional facts (i.e., “light in ...”, rich in vitamins or minerals, without added sugar, etc.) apply particularly to dietetic/health food products.

In France, labeling should not attribute any health claim to a food product. However, no precise regulation currently exist for facts relative to health. A nutritional fact describes the role of the nutrient in the current functions of the body, as indicated in the Commission for Studies of Food Products (CEDAP), Advice of 1997. CEDAP proposes that the function of vitamins and minerals be stated, but the final choice is left to the manufacturer. These allegations should always be accompanied by information indicating to the consumer that a diversified diet is best and that the daily recommended needs assure the coverage of nutritional needs.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

In addition to various harmonized EU Directives for products which need special packaging or container size to enter the EU, such as wines and alcohol, France has its own packaging or container size requirements for a large variety of food products, including beers, fermented beverages, breakfast cereals, pre-packed fruits and vegetables, non-alcoholic beverages, coffee, milk, oil and vinegar, ice creams, frozen fish, frozen fruits and vegetables, dried fruits and vegetables and pet foods.

A wide variety of prepackaged foods require a declaration of unit price, per kilo, 100 grams, deciliter or liter. This requirement is already in force for all retail sales outlets. Although not mandatory, bar codes for all products are used in supermarket stores.

The Green dot logo on a package is an environmental seal indicating that the packaging manufacturer participates in a municipal waste disposal system for recycling (ex: Eco-emballage). While the application of this logo on food labeling is not mandatory for all companies, a French decree of 1992 implementing EU directive 94/62, stipulates that it is the responsibility of producers, importers or generally persons responsible for the marketing of a food product to contribute or provide for the elimination of all the packaging waste matter.

The French regulation, implementing the EU Directive, for packaging materials in contact with food products is compiled in brochure No. 1227 of 1997, including modifications of 1998 and 1999. This brochure can be obtained from the French Official Journal (See address listed in Appendix II of this report). However, use of the following materials directly in contact with foods are strictly forbidden in France: copper, zinc, and galvanized iron, except for use in the process of distilling, confectionary and chocolate manufacturing.

SECTION IV. FOOD ADDITIVE REGULATIONS

The French decree of October 2, 1997, published in the French Official Journal of November 8, 1997 as modified, implements various EU Directives on additives authorized in food products.

This French decree also stipulates the requirements and restrictions on the use of additives in foodstuffs, and determines the maximum level of tolerance.

A U.S. exporter wishing to obtain a copy of the French Official Journal of November 8, 1997 on the authorized additives which can be used in food products should write or call:

- Journal Officiel de la République Française
Direction des Journaux Officiels
26, rue Desaix
75727 Paris Cedex 15
Tel: (33-1) 40 58 7979
Fax: (33-1) 45 79 1784
Contact: Information Services
<http://www.legifrance.gouv.fr>

SECTION V. PESTICIDES AND OTHER CONTAMINANTS

There are different regulations in France governing pesticides and contaminants. Some of these regulations implement EU directives, and some replace the lack of any EU directives or regulations.

The General Direction for Food at the French Ministry of Agriculture and Fisheries (MINAG/DGAL) regulates pesticides and contaminants. MINAG/DGAL also enforces regulations at the agricultural production level only, while the DGCCRF is the agency which enforces regulations for imported products, as well as products sold on the domestic market.

The list of pesticides and contaminants authorized in France with their maximum tolerance levels, along with French regulations for phytosanitary products, are published in a book issued by the Association of Technical Agricultural Coordination (ACTA). U.S. exporters can obtain a copy of this publication by contacting ACTA at the following address:

- Association de Coordination Technique Agricole
(ACTA)
149, rue de Bercy
75595 Paris Cedex 12
Tel: (33-1) 40 04 5000
Fax: (33-1) 40 04 5011
Email: acta.publications@acta.asso.fr

Pesticides and contaminants which are not authorized in France can be registered through the MINAG/DGAL. Any information regarding the registration process may be obtained at the following address:

- Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires Rurales
DGAL - Bureau de la Réglementation et de la Mise sur le Marché des Intrants
Sous-Direction de la Protection des Végétaux
251, rue de Vaugirard
75732 Paris Cedex 15
Tel: (33-1) 49 55 8138
Fax: (33-1) 49 55 5949
Contact: Ms. Colette Tournier
Email: colette.tournier@agriculture.gouv.fr
<http://www.agriculture.gouv.fr>

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

1. Products that must meet inspection requirements upon entry:

Specific agricultural and food products which are subject to inspection requirements and/or subject to French trade restriction and barriers include:

- Poultry, meat and eggs: A French decree from 1962 bans imports of poultry and egg products from countries that allow the use of arsenical, antimonial, and estrogen in poultry feed compounds.
- Enriched flour: French regulations prohibit the import of any products made with flour enriched with vitamins, since added vitamins are not allowed in food products, with the exception of dietetic food products.
- Bovine genetics: Current Government of France (GOF) marketing controls and regulations

discriminate against the free movement of bovine semen and embryos. An import license must be obtained from the French Customs prior to the import process. The license must also be approved by the Ministry of Agriculture.

- Exotic meat (alligator): Current French regulations prohibit imports of exotic meats. Imports of alligator meat from the U.S. into France are currently the subject of ongoing discussions with the French Veterinary Service.

- Flightless bird meat (ratite): The slaughtering and processing plant must be certified by the French Veterinary Services, and the establishment must comply with the sanitary requirements outlined in Article 8 of EU Directive 91/495/CEE. In the United States, there are currently four EU-certified for export establishments.

- Live crayfish: A 1985 regulation only allows four species of crayfish to be imported live into France, none of which are available from the United States. Until recently, lax enforcement of the regulations had allowed imports of live U.S. crayfish to increase significantly. The GOF is currently trying to discern and quantify the negative impact, if any, that the live crayfish could have on the overall aquatic ecosystem in France.

- Beef and bison meat: Imports into France of beef and bison meats are possible provided the slaughterhouses are EU-certified and the meat is hormone-free. A numerous of EU-certified for export establishments exist in the United States for beef meat while there are only two for bison meat.

- Fruits and vegetables: Fresh fruits and vegetables, including apricots, citrus fruits, artichokes, asparagus, eggplant, garlic, carrots, certain varieties of lettuce, Brussels sprouts, cauliflower, cabbage, cucumbers, squash, spinach, strawberries, beans, onions, peaches, leeks, peas, apples, pears, sweet peppers, plums, grapes, tomatoes and kiwis are subject to EU quality norms which mandate a quality inspection at the border of entry to the European territory prior to customs clearance. In addition to the quality inspection, a systematic phytosanitary inspection is done on all shipments of fresh fruits to EU countries, including France. A phytosanitary inspection is not required for fresh vegetables.

- Certain fresh fruits and vegetables are subject to seasonal price restrictions. Bananas are subject to import licenses. The import of fresh potatoes from third countries to France is prohibited due to EU concerns over the risk of transmission of certain diseases.

- EU standards based on the Codex Alimentarius standards are being developed for almonds. Hazelnuts standards were published in EU Regulation 1284-2002 of 7/15/02 and walnuts standards were published in EU Regulation 175-2001 of 01/26/01.

- Petfood : Petfood exports to France must originate from establishments certified by APHIS and by French food safety authorities. The list of certified establishments is validated by the French Ministry of Agriculture.

Petfood exports may be restricted depending on the raw materials used. Three French decrees (arrêtés) apply:

- a) Decrees dated 23 August and 8 November 2001: Sets sanitary conditions applicable to marketing, exchange, import and export of some animal products intended for pet food and pet food processing,
- b) Decree dated 24 August 2001: Prohibit the use of some proteins and animal fats in petfood,

These decrees outline new requirements for SRMs, and require that additional statements be included on health certificates accompanying US exports of petfood to France :

"The animal product does not contain specified risk materials, as defined in annex XI, chapter A, of the regulation 999/2001/EC defining the rules for the prevention, control and eradication of some transmissible spongiform encephalopathies, produced after 31 March 2001, neither from meat mechanically separated from bones of bovine, ovine and caprine, produced after 31 March 2001, and not derived from them. Animals were not slaughtered after 31 March 2001, after being stunned, receiving gas injection into the skull or slaughtered according to the same method and have not been slaughtered after being stunned, by ripping the central nervous tissue with a rod introduced into the skull.

The product does not contain and has not been prepared from:

- high risk material as noted in subparagraphs a,b,c,d,h,i and j, article 3, directive 90/667/CEE, including animals or parts of animals infected by transmissible bovine spongiform encephalopathy;
- tonsils of bovine under 12 months ;
- spleen and thymus of bovine regardless of their age ;
- the skull, including eyes and tonsils, except the encephalon, tongue and masseters of ovine and caprine under 6 months ;
- the skull, including the encephalon, eyes and tonsils, but except the tongue and masseters of ovine and caprine aged 6 months and older ;

-the skull, including encephalon, eyes and tonsils, but except the tongue and masseters of ovine and caprine born and raised in the United Kingdom, regardless of their age.

From 1 July 2002, the following mention should be added :

- spinal cord of ovine and caprine aged 6 months and older ;

"The above product does not contain or is not derived from :

- a) processed animal proteins derived from ruminant products, except gristles derived from adipose tissue collected after splitting the spinal column or produced either in an establishment certified for the distribution of animal products for human consumption, or in an establishment complying with health requirements prescribed by directive 90/667/EEC ;

- b) ruminant adipose tissue collected after splitting the spinal column;*
- c) melted fats derived from adipose tissue collected after splitting the spinal column;*
- d) melted fats derived from melted ruminant bones;*

e) fats deriving from processed animal proteins derived from ruminant products."

The product hereabove :

- contains or is derived from melted fats derived from ruminant adipose tissue collected after splitting the spinal column (1);*
 - does not contain or is not derived from melted fats derived from ruminant adipose tissue collected after splitting the spinal column (1);*
- (1) delete as appropriate"*

Moreover, the product containing or deriving from ruminant melted fats, the health certificate should also include the following mentions :

"The above product does not contain or is not derived from ruminant melted fats processed as follows :

- purified to obtain a maximum rate of total residual non soluble impurities not exceeding 0,15% in weight, and*
- processed at a temperature higher than 133°C during twenty minutes at a pressure higher or equal to 3 bars obtained by saturated steam, the size of raw material particles before processing being reduced to at least 50 millimeters."*

All above decrees (arrêtés) were published in the "Journal Officiel" and can be found in French on the website:

<http://www.legifrance.gouv.fr/>

2. Laboratory testing:

Some products, in order to make sure that they conform to French import standards as to quality, sanitary and ingredients criteria, can be laboratory tested. This is often done for canned fruits and vegetables, beer, dairy products including yogurt.

However, these laboratory tests are generally requested by French supermarket buyers to ascertain if the products they intend to sell conform to French regulations. Very few manufacturers or U.S. exporters address the laboratory directly. However, when a U.S. exporter wants to make sure that its product conforms to a French regulation he may contact a laboratory directly for product testing. The Office of Agricultural Affairs in Paris has a list of French administratively-approved laboratories.

3. Policy for Sample Food Product Shipments:

Food product samples shipped via express mail or parcel post are subject to the same import regulations as for a commercial shipment in regard to sanitary or phytosanitary requirements. However, for animal and animal-origin products originating from a non-EU approved plant, a new French regulation is being prepared and will be published in September or October 2002. Individual authorizations will be granted on a case by case basis by the French Veterinary Services of the Ministry of Agriculture.

For customs, the sample shipment should be accompanied by a proforma invoice indicating the value of the sample product. However, samples of no commercial value enter France free of duties and taxes. When sending such samples parcel post, the sender must specify what type of samples are being shipped. "No commercial value" should be written on the appropriate shipping documents. In order for samples of commercial value to enter France duty- and tax-free, a bond or deposit of the total amount of duties and taxes must be arranged. Samples must be reexported within one year if the deposit is to be recouped. An alternative to a deposit is applying for an "Admission Temporaire/Temporary Admission" (ATA) Carnet, which is a special international customs document designed to simplify and streamline customs entry procedures of merchandise for up to one year. Customs authorities in the United States and France accept carnets as a guarantee that all customs duties and excise taxes will be paid if any of the items covered by the carnet are not reexported within the time period allowed. Carnets may be used for commercial samples, professional equipment, and goods destined for exhibitions and fairs.

4. "Certification and Documentation Requirements":

Import documentation:

Import and export transactions exceeding \$35,000 in value must be conducted through an approved banking intermediary. Goods must be imported no later than six months after all financial and customs arrangements have been completed.

For products originating in countries other than EU Member States or participants in the World Trade Organization (WTO), and for a limited number of products considered to be sensitive, a specific import/export license may be required by product or by category of products. Otherwise, the following shipping documents are required to import into France:

- Commercial invoice;
- Bill of lading or air waybill;
- Certificate of origin

Certification Requirements:

Dairy, meat, and seafood products must originate from an EU-certified establishment.

Prepared food products containing meat, or animal origin foods should originate from an EU-certified manufacturing plant.

Fresh Fruits and Vegetables:

Apart from quality inspection controls indicated in para. VI-1 above, fresh fruits and vegetables in France are not subject to any particular certification requirements. The EU banana import regime is being studied in light of the May 1999 WTO decision that it is not WTO consistent.

Plant Phytosanitary Regulations:

There is no restriction on importing wood, wood products and plant into France, but certain wood and plant species are subject to EU phytosanitary regulations, and inspection upon arrival in France or in the European Union. Also, some coniferous woods are subject to heat treatment certification.

Petfood products must originate from establishments certified by APHIS and approved by the French Ministry of Agriculture. To become certified, a US petfood plant has to send an official request for certification to the French Ministry of Agriculture, including the following :

- the name, corporate name and address of the plant,
- the name, description and ingredients contained in the product to be exported,
- the surface of the plant and daily production of the plant,
- the origin and type of raw materials used (explaining if they are high risk or low risk materials according to EU regulation 90/667/CEE),
- manufacturing process as well as thermal treatments to which the products are submitted,
- microbiological analyses performed on finished products,
- measures implemented to avoid any contamination of finished products before shipment (packaging and storage methods),
- name, address and tel/fax number of the authorities in charge of controlling the plant.

This request for certification should be translated into French and sent through our office to :

Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires

Rurales

Direction Générale de l'Alimentation

Mission de Coordination Sanitaire Internationale

Bureau Importation Pays Tiers

251 rue de Vaugirard

75732 Paris Cedex 15

tel: (33-1) 49 55 81 20

fax: (33-1) 49 55 44 62

accompanied by the advice of US health authorities concerned.

If the request complies with French requirements, a decision making the certification official will be published in the Official Journal of the French Republic and the plant will be authorized to export petfood to France.

Additional information may be obtained from:

APHIS Veterinary Services, National Center for Import Export Products Program

Riverdale, Maryland

Tel: (301) 734-3578, Fax: (301) 734-8226.

Mandatory Derogations for Meat, Poultry, Dairy and Fish Products for Food Shows

Samples of meat, poultry, dairy products and seafood products in any form must be accompanied by an import derogation from the French government in advance in order to bring these samples into France. In all cases unused samples must be destroyed. U.S. firms must request the derogation by letter or fax from:

Ghislain Maréchal, Vétérinaire Inspecteur

Mission de Coordination Sanitaire Internationale, Secteur importations pays tiers

Direction Générale de l'Alimentation

Ministère de l'Agriculture, de l'Alimentation de la Pêche et des Affaires Rurales

251, rue de Vaugirard

75732 Paris Cedex 15

Phone: 011-33-1 - 49 55 81 92

Fax: 011 33-1 - 49 55 83 14

Email: ghislain.marechal@agriculture.gouv.fr

The French government prefers to answer by fax, so include your fax number in your request. All request for derogations should include the following information:

1. Company's name, address, telephone number and fax;
2. Kind of products being shipped;
3. Quantity and weight of products being shipped;
4. Country of origin;
5. Purpose of seeking derogation;
6. Point of importation;
7. Destination in France.

Original documentation including derogations must accompany the shipment. The following additional certification documents necessary to export to France can be obtained from your state USDA, Food Safety Inspection Service inspector.

For detailed information on French import regulations contact the:

Director, Export Coordination Division, Food Safety Inspection Service, Washington,
D.C. 20250
Telephone: (202) 720-6427, Fax: (202) 720-7990.

SECTION VII. OTHER SPECIFIC STANDARDS

1. Genetically Modified Organisms - GMOs (Biotech Products):

A de facto moratorium on approvals of new GMOs in the European Union has been in effect since 1998. This has blocked U.S. corn shipments to the EU.

(1) The French competent authority implementing the EU Directive 90/220 is the Commission du Génie Biomoléculaire (CGB) (Biomolecular Engineering Committee). This EU Directive, to be replaced in October 2002 by the 2001/18 Directive, sets up the conditions of authorization of GMOs to be released in the environment, but not for food or feed use. The CGB surveys the dossiers presented by petitioners (private biotech companies or public organizations), and approves or disapproves these GMOs' market release. When approved, the dossiers go to the European level, are examined by all the Member States and the European scientific committees, and come back to France for final approval. Under this Directive, there are currently only 40 hectares of GMO field trials in France.

There are currently 6 GMOs approved to be commercialized in Europe and France under this Directive:

- Corn: . Bt-176, produced by Novartis, corn borer tolerant (authorized to be domestically produced and imported)
. Bt-11, produced by Novartis, corn borer tolerant (authorized to be imported)

- . MON 810, produced by Monsanto, corn borer resistant (authorized to be domestically produced and imported)
- . T 25, produced by AgrEvo (now Aventis), herbicide tolerant (authorized to be domestically produced and imported)
- Soybeans: Roundup Ready soybeans produced by Monsanto, herbicide tolerant (authorized to be imported)
- Tobacco: ITB-1000-0X, produced by SEITA (now Altadis), herbicide tolerant

At present, there is no biotech crop production in France, because there is no market for such products.

(2) The French Loi d'Orientation Agricole (1999) created the French "Comité de Biovigilance", which is a commission in charge of monitoring GMOs once they are released in the environment for experiments or commercial production. This commission principally works on the environmental risks of GMO test plots.

(3) The French Food Safety Agency (AFSSA) is the French authority assessing health risks of GMOs for human health, under the Novel Foods Directive. Biotech crops and their derived products for use in food are regulated by the EU regulation 258/97, and the Novel Food regulation, which specifies that GMOs and food containing GMOs have to have a label indicating the presence of GMOs. According to the EU regulations 49/2000 and 50/2000, packaged food products containing GMO ingredients, additives and flavors must be labeled as such, provided that GMOs represent more than one percent of the product. There are draft directives on labeling and traceability of GMO products in foodstuffs being discussed at the European level. The current proposals are:

	July 2001 EU Commission Proposal	July 2002 EU Parliament Proposal
Threshold for adventitious presence of authorized GMOs	1 percent	0.5 percent, with the possibility of lower levels for minute traces
Threshold for adventitious presence of unauthorized GMOs	1 percent for GMOs with a positive risk assessment by EU scientists, and in the EU approval pipeline but blocked by the European moratorium.	0 percent
Food /Feed products to be labeled	All products produced from GMOs even those no longer containing GM protein or DNA	All products produced from GMOs even those no longer containing GM protein or DNA

Until a regulation derived from the above proposals is passed, no regulation is currently in place concerning traceability and labeling of biotech products in animal feed, where most U.S. exports (soybeans) go. However, the French feed industry uses a one percent threshold. French feed compounders have increased significantly their use of Brazilian soybeans, which claim to be non-GMO, at the expense of U.S. soybeans.

(4) GMOs in planting seeds: Although there is no regulation, the French seed industry uses a one percent threshold. The U.S. industry is affected by this situation because the U.S. is France's leading supplier of soybean and corn seeds, to be planted.

2. Dietetic/Health Foods:

EU Directive 89-398 of May 3, 1989, implemented by French decree 91-287 of August 29, 1991 gives the definition of a health/dietetic food product. To date, EU harmonization of dietetic/health food products is only in force for the labeling and ingredient regulation of infant and toddler foods (0 to 12 month old, and 1 to 3 years old, respectively), as well as foods intended for special medical purposes. The other health/dietetic food regulations are in the process of being harmonized. In the meantime, imports of these products are governed by current French regulations. For label requirements for these products, in addition to general French labeling requirements (as per section II), the following information must be indicated on the label:

- Brand name of the product, immediately followed by its properties and nutritional characteristics;
- Quantity of each nutritional ingredient, expressed in grams (g), or milligrams (mg), per 100 grams of finished product;
- Calory content expressed in KJ and Kcal per 100 grams of finished product;
- Product should be packed in a manner whereby the packaging covers the product entirely. For bulk dietetic/health products, all nutritional characteristics should be clearly brought to the attention of the consumer on the outside packaging;
- The expiration date of the product must be clearly indicated for perishable products;
- The list of additives contained in the product. Note that some additives are not authorized in health/dietetic food products in France. The list of authorized additives and substances is contained in French decree of October 2, 1997, published in the French Official Journal of November 8, 1997. The use of vitamins and minerals is governed by French decree of August 4, 1986, as modified.

Note that a dietetic/health foods are not medicines. Thus, the label may not indicate any curative or preventive properties.

3. Organic foods:

France applies EU Regulation 2092/91 which regulates the production and labeling of organic foods. All producers and importers must comply with this regulation. Certain third countries have already been EU-certified to export organic food and agricultural products into the European Union. Some U.S. organic certifiers have been reviewed and approved under the new USDA organics regulations. Equivalency between U.S. and European standards and regulations is under discussion at the EU level; and in the meantime any imports of organic food products from the United States are subject to a case-by-case authorization procedure conducted in the EU country of import. All third countries desiring to export organic foods should be EU-certified by December 31, 2002.

To facilitate identification of organic products for French consumers, the words “Agriculture Biologique” (organic agriculture) and the “AB” logo are applied on the label of the product. This logo was instituted by the EU as a means of certifying that the product has been organically grown or processed according to specific EU criteria, or French specifications. The “AB” logo is awarded by three certifying agencies: Ecocert, Qualite France and Ascert International. Also, the “AB” logo signifies that the producer, the importer or the distributor has been duly registered with the EU Member State’s organic food trade association. Ecocert, Qualite France and Ascert International conduct regular inspections of producers, who are subject to strict controls.

4. Alcoholic Beverages, Wine and Beer:

French imports of wine from non-EU countries are subject to EU import duties which vary depending on the percentage of alcohol contained in the wine and the type of container. Other taxes, such as transportation tax, which is the equivalent of an excise duty, and value added tax (VAT) also apply to domestically and foreign-produced wines.

An import certificate is required and can be obtained from the Office National Interprofessionnel des Vins (ONIVINS). Also, a VI.1 document is necessary. This is an EU document certifying that the U.S. wine exporter is approved by the U.S. Bureau of Alcohol, Tobacco and Firearms (BATF). This document is issued in the United States.

Also, the imported wine should follow the rules governing oenological practices and processes as stipulated in the EU Regulation 822/87, published in the EU Official Journal L83 of March 27, 1987. As per EU Regulation 2390/89, an analytical bulletin should accompany the wine.

Beer imports into France are also subject to custom duties and tax laws. To be called “beer” the product should correspond to criteria as defined in French decree 92-307 of March 31, 1992.

SECTION VIII. COPYRIGHT/TRADEMARK LAWS

Trademarks and brand names are protected under French law, with no limitations on number. In a general sense, trademarks recognize and protect indicators which serve to distinguish one product or service from similar products or services. A trademark has a ten-year life span and is renewable every ten years.

To register a trademark, applications must be filed with the following organization:

- Institut National de la Propriété Industrielle (INPI)
26bis, rue de Saint Pétersbourg
75800 Paris Cedex 08
Tel: (33-1) 53 04 5304
Fax: (33-1) 42 93 5930
<http://www.inpi.fr>

To register a trademark, as in the case of patents, requires a French address, which may be obtained through a legal representative in France.

SECTION IX. IMPORT PROCEDURES

Considering the variety of distribution options available in France, it is important for the new-to-market exporter to select the method best suited to his or her product. French buyers generally prefer to purchase through an intermediary (distributor, agent or salaried representative), making sales directly to the end-user a rare practice. Imports of foodstuffs into France should take the following steps:

1. Customs clearance: Could be done by a person or a company able to present Customs Authorities at the port of entry in the country the imported goods as well as the necessary accompanying documents for these food products (i.e., commercial invoice, bill of lading, the certificate of origin, the import and sanitary/phytosanitary certificate if need be) . It is recommended that the U.S. exporter has the customs clearance done by either a forwarding agent or his importer/distributor or agent in the country of destination.
2. Customs clearance should be done in a Customs Office at the port of entry or at the airport. For more information regarding proper customs clearance documentation and addresses of various customs offices, please contact:

- Centre de Renseignements Douaniers
84, rue d'Hauteville
75010 Paris
Tel: (33-1) 53 24 6824 or 6818
Fax: (33-1) 53 24 6830
Email: dgdddicrt01@calva.net

All shipping documents should be in the French language. Also, some products, as enumerated previously in this report, are subject to veterinary or health inspection when arriving in France, in which case the Agencies or Ministries responsible for these products are the DGCCRF or the Veterinary Services of the French MINAG. Representatives of both Ministries are present in each port/airport of entry.

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all the necessary documentation with the shipment. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for his product. Most often this information is provided by the importer.

3. When foodstuffs enter France, customs duties, ad valorem, have to be paid. The amount of these duties differ according to product. In addition, a value added tax (VAT), has to be paid (5.5 percent for all food products, except for alcoholic beverages, chocolate and candies where the TVA tax is 19.6 percent).

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS

1. The General Direction for Food of the French Ministry of Agriculture

(DGAL/MINAG) activities are primarily for the promotion and control of food and agricultural product quality, the development of agricultural and food industries, and animal and plant protection. DGAL participates in the preparation of food laws and the definition of norms. It also administers sanitary and phytosanitary policy. DGAL headquarters is located at the following address:

Direction Générale de l'Alimentation
Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires Rurales
251, rue de Vaugirard
75015 Paris
Tel: (33-1) 49 55 4955
Fax: (33-1) 49 55 4850
Internet: <http://www.agriculture.gouv.fr>

2. The General Direction for Competition, Consumption and Frauds (DGCCRF) is the French regulatory agency responsible for the safety of all foods. DGCCRF's activities are directed toward the health of the Nation against impure, unsafe, and fraudulently labeled foods. DGCCRF is also responsible for enforcing French laws in manufacturing and marketing and also at the import level. They have offices all over France at port of entries and airports. The headquarters office are at the following address:

Direction Générale de la Concurrence
de la Consommation et de la Répression des Fraudes
(DGCCRF)
Ministère de l'Economie, des Finances et de l'Industrie
59, boulevard Vincent Auriol
75703 Paris Cedex 13
Tel: (33-1) 44 87 1717
Fax: ((33-1) 44 97 3031
Internet: <http://www.finance.gouv.fr>

3. The Association Française de Normalisation (AFNOR), is the French authority in charge of coordinating work and research relating to the establishment of standards in France. AFNOR prepares new and revised standards, subjects them to public enquiry, and finally submits them to the relevant ministry for approval. It is the French branch of the European Standardization System (CEN) and a member of the International Organization for Standardization (ISO). AFNOR can be reached at the following address:

AFNOR
Tour Europe
92049 Paris la Défense Cedex
Tel: (33-1) 42 91 5555
Fax: (33-1) 42 91 5656
Internet: <http://www.afnor.fr>

APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS

For additional information about a particular product:

*Office of Agricultural Affairs
American Embassy
2, avenue Gabriel
75382 Paris Cedex 08
Tel: (33-1) 43 12 2245
Fax: (33-1) 43 12 2662
Internet: <http://www.amb-usa.fr/fas/fas.htm>
Email: agparis@fas.usda.gov*

For information on duties, taxes, and documentation:

Centre de Renseignements Douaniers
84, rue d'Hauteville
75010 Paris
Tel: (33-1) 53 24 6818 or 6824
Fax: (33-1) 53 24 6830
Email: dgdddicrt01@calva.net

For business and credit report on an importer/distributor or agent in France to ensure its reliability, please contact:

Dun & Bradstreet France
Immeuble Défense Bergères
345, ave Georges Clémenceau
92100 Nanterre
Tel: (33-1) 41 35 1892
Fax: (33-1) 41 35 1920
Internet: <http://www.dbfrance.com>

French Statistical Institute:

INSEE Infos Service
18, Bld Adolphe Pinard
75014 Paris
Tel: (33-1) 41 17 5050
Fax: (33-1) 41 17 6666

Internet: <http://www.insee.fr>

To obtain EU /French Customs tariff:

Journal Officiel

26, rue Desaix

65015 Paris

Tel: (33-1) 40 58 7979

Fax: (33-1) 45 79 1784

[Email: info@journal-officiel.gouv.fr](mailto:info@journal-officiel.gouv.fr)

<http://www.legifrance.gouv.fr>